

UNITED STATES DISTRICT COURT
DISTRICT OF PUERTO RICO

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In re: PROMESA
Title III

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of No. 17 BK 3283-LTS

THE COMMONWEALTH OF PUERTO RICO, *et al.*, (Jointly Administered)

Debtors.¹

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URGENT MOTION TO CANCEL MARCH 15–16, 2023 OMNIBUS HEARING

To the Honorable United States District Court Judge Laura Taylor Swain:

The Financial Oversight and Management Board for Puerto Rico (the “Oversight Board”), as sole Title III representative of the Commonwealth of Puerto Rico (the “Commonwealth”), the Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS”), the Puerto Rico Public Buildings Authority (“PBA”), the Puerto Rico Sales Tax Financing Corporation (“COFINA”), the Puerto Rico Highways and Transportation Authority (“HTA”), the Puerto Rico Electric Power Authority (“PREPA” and, collectively with the Commonwealth, ERS, PBA, COFINA, and HTA, the “Debtors”), pursuant to section 315(b) of the *Puerto Rico Oversight, Management, and Economic Stability Act* (“PROMESA”),²

¹ The Debtors in these Title III Cases, along with each Debtor’s respective Title III case number and the last four (4) digits of each Debtor’s federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (“Commonwealth”) (Bankruptcy Case No. 17-BK-3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation (“COFINA”) (Bankruptcy Case No. 17-BK-3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority (“HTA”) (Bankruptcy Case No. 17-BK-3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS”) (Bankruptcy Case No. 17-BK-3566-LTS) (Last Four Digits of Federal Tax ID: 9686); (v) Puerto Rico Electric Power Authority (“PREPA”) (Bankruptcy Case No. 17-BK-4780-LTS) (Last Four Digits of Federal Tax ID: 3747); and (vi) Puerto Rico Public Buildings Authority (“PBA”) (Bankruptcy Case No. 19-BK-5523-LTS) (Last Four Digits of Federal Tax ID: 3801) (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

² PROMESA is codified at 48 U.S.C. §§ 2101-2241.

respectfully submits this urgent motion for entry of an order, substantially in the form attached hereto as **Exhibit A** (the “Proposed Order”), canceling the March 15–16, 2023 omnibus hearing (the “Hearing”) scheduled pursuant to the *Sixteenth Amended Notice, Case Management and Administrative Procedures* [Case No. 17-3283, ECF No. 20190-1]³ (the “Case Management Procedures”) and states as follows:

Request for Relief

1. On February 24, 2023, the Court entered the *Order Regarding Procedures for Hearing on March 15–16, 2023, Omnibus Hearing* [ECF No. 23625] (the “Procedures Order”).
2. The Procedures Order directed the Debtors to file an agenda outlining the matters to be addressed at the Hearing. Procedures Order, ¶ 4.
3. Following communication with various parties in interest, the Oversight Board has determined there are no matters moving forward at the Hearing. Accordingly, it is no longer necessary to hold the Hearing, and the Oversight Board respectfully requests the Hearing be cancelled.
4. The following matters have been adjourned to the June 7–8, 2023 omnibus hearing:
 - a. *Objection of Puerto Rico Sales Tax Financing Corporation to Proofs of Claim of the United States Department of the Treasury/Internal Revenue Service (Claims Nos. 168648 and 168885)* [Case No. 17-3283, ECF No. 7419; Case No. 17-3284, ECF No. 643];
 - b. *Omnibus Motion of Puerto Rico Electric Power Authority for Order (A) Approving PREPA’s Rejection of Certain Power Purchase and Operating Agreements, and (B) Granting Related Relief* [Case No. 17-3283, ECF No. 15178; Case No. 17-4780, ECF No. 2296];
 - c. *Community Health Foundation of P.R. Inc.’s Motion for Allowance and Payment of Administrative Expense* [Case No. 17-3283, ECF No. 18602];

³ Unless otherwise stated, all ECF Nos. shall refer to the docket in Case No. 17-3283.

- d. *Ramhil Developers Inc. 's Objection to Docket No. 19353 and Informing Cure Amounts for Executory Contracts or Unexpired Leases To Be Assumed Pursuant to Title III Plan of Adjustment* [Case No. 17-3283, ECF No. 19807];
 - e. *Plaintiff Blanca Iris Marrero's Motion for Allowance and Payment of Administrative Expense Claim* [Case No. 17-3283, ECF No. 21192];
 - f. *Evertex's Motion for Allowance of an Administrative Expense Claim* [Case No. 17-3283, ECF No. 21187];
 - g. *Ricoh Puerto Rico, Inc. 's Motion for Allowance and Payment of Administrative Expense Claim in the Sum of \$4,864,017.20* [Case No. 17-3283, ECF No. 21191]; and
 - h. *Cosey's Motion for Allowance and Payment of Administrative Expense Claim* [Case No. 17-3283, ECF No. 21209].
5. Pursuant to the *Notice of Adjournment of Omnibus Objections Scheduled for Hearing at the March 15, 2023 Omnibus Hearing to the June 7, 2023 Omnibus Hearing* [ECF No. 23786], the following omnibus objections to claims have been adjourned from the March 15, 2023 omnibus hearing to the June 7, 2023, omnibus hearing, solely with respect to the claims identified: (a) Three Hundred Thirty-Fourth [ECF No. 17085] (Claim No. 174301); (b) Three Hundred Sixty-Third [ECF No. 17929] (Claim No. 10502); (c) Three-Hundred Eighty-Seventh [ECF No. 17926] (Claim No. 177404); (d) Three Hundred Ninety-First [ECF No. 17974] (Claim No. 20926); (e) Three Hundred Ninety-Ninth [ECF No. 19548] (Claim Nos. 71072-1 and 175239-1); (f) Four Hundredth [ECF No. 19549] (Claim Nos. 160874 and 6009); (g) Four Hundred Third [ECF No. 19552] (Claim Nos. 176183; 169481; 174504; 175048; 175054; 175966; 139162; 175627; 176233; 174895; 175486; 176410; 176160; 169726; 172218; 176316; 175529; 169432; 176244; 175574; 174471; 174107; 175665; 176310; 176046; 174966; 175171; 176054; 175538; 173086; and 170231); (h) Four Hundred Fourth [ECF No. 19553] (Claim Nos. 177508; 178701; 177215; 176671; 178015; 179150; 177243; 177761; 177513; 177932; 177092; 177099; 178210; and 178025); (i) Four Hundred Sixth [ECF No. 19555] (Claim No. 16103); (j) Four Hundred Twelfth

[ECF No. 19559] (Claim Nos. 176447; 176498; 177629; and 176450); (k) Four Hundred Fourteenth [ECF No. 20040] (Claim Nos. 179649 and 179662); (l) Four Hundred Twenty-Fifth [ECF No. 20051] (Claim No. 17048); (m) Four Hundred Thirty-Second [ECF No. 20487] (Claim Nos. 15774; 128175; and 162758); (n) Four Hundred Thirty-Seventh [ECF No. 20495] (Claim Nos. 140270; 135965; 136952; 140056; 140676; and 60624); (o) Four Hundred Thirty-Ninth [ECF No. 20497] (Claim Nos. 179635 and 31525); (p) Four Hundred Forty-First [ECF No. 20499] (Claim No. 134043); (q) Four Hundred Forty-Third [ECF No. 20501] (Claim Nos. 151713; 9891; 125306; 104914; 90011; and 80168); (r) Four Hundred Forty-Eighth [ECF No. 20504] (Claim No. 17433); (s) Four Hundred Fifty-Third [ECF No. 20784] (Claim Nos. 31895 and 84345-1); (t) Four Hundred Fifty-Fourth [ECF No. 20785] (Claim No. 44390); (u) Four Hundred Sixtieth [ECF No. 20791] (Claim No. 147357); (v) Four Hundred Sixty-Fifth [ECF No. 20796] (Claim Nos. 17230 and 173831); (w) Four Hundred Seventy-Fifth [ECF No. 21426] (Claim Nos. 122217-2 and 169996); (x) Four Hundred Seventy-Sixth [ECF No. 21428] (Claim No. 67535); (y) Four Hundred Seventy-Seventh [ECF No. 21424] (Claim Nos. 20921; 37185; 42321; 24859; 33847; 27117; 18206; 34951; 29971; 17669; 92700; 34658; 29349; 34686; 19418; 23291; 34655; 24827; 47736; 34640; 13766; 24635; 48297; 20243; 26894; 42779; 29170; 58891; 31782; 42816; 18995; 51644; 17690; 35688; 34664; 44113; 53674; 25680; 39857; 32560; 19652; 36234; 17017; 20427; 31773; 34728; 27275; 37181; 26851; 37182; 41040; 35134; 28301; 34926; 26137; 61196; 29412; 40197; 28855; 37184; 20309; 33583; 35209; 20925; 39221; 42317; 32420; 36839; 30920; 14050; 42492; 44060; 37249; 19897; 20970; 34602; 30819; 26127; and 25273); (z) Four Hundred Eighty-Fourth [ECF No. 21733] (Claim Nos. 128497 and 104126); (aa) Four Hundred Eighty-Fifth [ECF No. 21734] (Claim Nos. 75326 and 84203); (bb) Four Hundred Eighty-Eighth [ECF No. 21738] (Claim Nos. 115471 and 17818); (cc) Five Hundred Fourteenth [ECF No. 22251] (Claim Nos. 18312;

18345; 24826; 26149; 26848; 28933; and 29276;); (dd) Five Hundred Eighteenth [ECF No. 22246] (Claim No. 12237); (ee) Five Hundred Nineteenth [ECF No. 22254] (Claim No. 70324); (ff) Five Hundred Twenty-Second [ECF No. 22257] (Claim No. 14673); (gg) Five Hundred Thirty-First [ECF No. 22265] (Claim No. 28744); (hh) Five Hundred Thirty-Seventh [ECF No. 22740] (Claim No. 7743); (ii) Five Hundred Thirty-Eighth [ECF No. 22741] (Claim No. 16333); (jj) Five Hundred Fifty-Third [ECF No. 23089] (Claim No. 263); (kk) Five Hundred Fifty-Seventh [ECF No. 23092] (Claim Nos. 152871 and 111964); and (ll) Five Hundred Sixty-First [ECF No. 23427] (Claim Nos. 20574 and 174166).

6. The following omnibus objections to claims were scheduled to go forward at the Hearing, but will be subject to forthcoming notices of presentment for final written orders of the Court: (a) Five Hundred Fifty-Ninth [ECF No. 23422]; (b) Five Hundred Sixtieth [ECF No. 23423]; (c) Five Hundred Sixty-Second [ECF No. 23424]; (d) Five Hundred Sixty-Third [ECF No. 23425]; and (e) Five Hundred Sixty-Fourth [ECF No. 23428].

7. In accordance with the Procedures Order, the Oversight Board will file a written status report by 5:00 p.m. (Atlantic Standard Time) on March 14, 2023.

8. Pursuant to Paragraph 1.H of the Case Management Procedures, the Oversight Board hereby certifies that it has carefully examined the matter and concluded that there is a true need for an urgent motion; it has not created the urgency through any lack of due diligence; has made a bona fide effort to resolve the matter; and has made reasonable, good-faith communications in an effort to resolve or narrow the issues that are being brought to the Court.

Notice

9. The Oversight Board has provided notice of this Urgent Motion in accordance with the Case Management Procedures to the following parties: (a) the Office of the United States Trustee for the District of Puerto Rico; (b) the entities on the list of creditors holding the 20 largest

unsecured claims against COFINA; (c) counsel to the statutory committees appointed in these Title III cases; (d) the Office of the United States Attorney for the District of Puerto Rico; (e) counsel to the Oversight Board and AAFAF; and (f) all parties filing a notice of appearance in these Title III cases. A copy of the motion is also available at <https://cases.ra.kroll.com/puertorico/>.

10. The Oversight Board submits that, in light of the nature of the relief requested, no other or further notice need be given.

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WHEREFORE the Oversight Board requests the Court enter the Proposed Order and grant such other relief as is just and proper.

Dated: March 13, 2023
San Juan, Puerto Rico

Respectfully submitted,

/s/ Brian S. Rosen

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*Co-Attorneys for the Financial Oversight and
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Exhibit A

Proposed Order

UNITED STATES DISTRICT COURT
DISTRICT OF PUERTO RICO

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In re: PROMESA
Title III

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of No. 17 BK 3283-LTS

THE COMMONWEALTH OF PUERTO RICO, *et al.*, (Jointly Administered)

Debtors.¹

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ORDER GRANTING
URGENT MOTION TO CANCEL MARCH 15–16, 2023 OMNIBUS HEARING

Upon the *Urgent Motion to Cancel March 15–16, 2023 Omnibus Hearing* (Docket Entry No. ____ in Case No. 17-3283, the “Motion”);² and the Court having found that the relief requested in the Motion is in the best interests of all parties in interest; and the Court having found that the Oversight Board provided adequate and appropriate notice of the Motion under the circumstances and that no other or further notice is required; and the Court having reviewed the Motion; and the Court having determined that the factual bases set forth in the Motion establish just cause for the relief granted herein; and after due deliberation and sufficient cause appearing therefor, it is **HEREBY ORDERED THAT:**

¹ The Debtors in these Title III Cases, along with each Debtor’s respective Title III case number and the last four (4) digits of each Debtor’s federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (“Commonwealth”) (Bankruptcy Case No. 17-BK-3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation (“COFINA”) (Bankruptcy Case No. 17-BK-3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority (“HTA”) (Bankruptcy Case No. 17-BK-3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS”) (Bankruptcy Case No. 17-BK-3566-LTS) (Last Four Digits of Federal Tax ID: 9686); (v) Puerto Rico Electric Power Authority (“PREPA”) (Bankruptcy Case No. 17-BK-4780-LTS) (Last Four Digits of Federal Tax ID: 3747); and (vi) Puerto Rico Public Buildings Authority (“PBA”) (Bankruptcy Case No. 19-BK-5523-LTS) (Last Four Digits of Federal Tax ID: 3801) (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

² Capitalized terms used but not otherwise defined herein have the meanings given to them in the Motion.

1. The Motion is granted as set forth herein.
2. The Hearing is hereby cancelled.
3. The Oversight Board and AAFAF shall file written status reports by **5:00 p.m.**

(Atlantic Standard Time) on March 14, 2023. The Oversight Board's report shall address: (a) the general status and activities of the Oversight Board, including measures taken in response to the COVID-19 pandemic; (b) the general status of relations among the Oversight Board and the Commonwealth and federal governments; (c) the general status of the ADR and ACR processes, including the anticipated number of matters to be directed into the ADR process and anticipated timetable for initiation of ADR procedures with respect to such matters; and (d) the anticipated timing and volume of objections to claims. AAFAF shall provide a general status report on its status and activities, including an overview of the Commonwealth's ongoing response to the COVID-19 pandemic.

4. The next omnibus hearing is scheduled to be held on **June 7-8, 2023.**
5. This Order resolves Docket Entry No. _____ in Case No. 17-3283.

SO ORDERED.

Dated: March _____, 2023

LAURA TAYLOR SWAIN
United States District Judge